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Attorney Docket No. 26772U

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KOHL et al.

International Application No: PCT/EP2003/013604

Serial No. 10/536,891

International Filing Date: 03 December 2003 (03.12.2003)

Filing Date: May 27, 2005

For: **PROCESS FOR PREPARING (S)-PANTOPRAZOLE**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) Form PTO-1449 citing 19 references.
- (4) Copies of 18 of the 19 cited references.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

By: 

Gary M. Nath  
Registration No. 26,965  
Sheldon M. McGee  
Registration No. 50,454  
Customer No. 34375

Date: August 23, 2005  
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

- [XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.  
The enclosed statement is accompanied by [check one]:  
[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or  
[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).
- [ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.  
[ ] Certification report(e) below; and  
[ ] a check in the amount as required by 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b) (i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,  
or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[~~xxx~~] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[~~xxx~~] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

[~~xxx~~] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.


If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date filed: August 23, 2005

**NATH & ASSOCIATES PLLC**  
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By:

  
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Reg. No. 26,965  
Sheldon M. McGee  
Reg. No. 50,454  
Customer No. 34375

<b>FORM PTO-1449</b> <b><u>INFORMATION DISCLOSURE</u></b> <b><u>CITATION</u></b>	Attorney Docket: 26772U	Inventor: KOHL et al.
	Group Art Unit: Unknown	Examiner: Unknown
	Serial Number: 10/536,891	Filing date: May 27, 2005

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue Date/Pub. date	Name	Class	Sub-Class	Filing Date
A1	5,948,789 A	07 Sep. 1999	Larsson et al.			14 Jul. 1995

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Sub-Class	Translation
A2	0 166 287 B1	02 Jan. 1986	EP			Abstract
A3	0 174 726 B1	19 Mar. 1986	EP			N/A
A4	0 268 956 B2	01 Jun. 1988	EP			N/A
A5	0 005 129 B1	31 Oct. 1979	EP			N/A
A6	2004/052882 A1	24 Jun. 2004	WO			N/A
A7	91/12221 A1	22 Aug. 1991	WO			N/A
A8	92/08716	29 May 1992	WO			Abstract

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

A9	Bonchio, M., et al., "The First Chiral Zirconium(IV) Catalyst For Highly Stereoselective Sulfoxidation", <u>J. ORG. CHEM.</u> Vol. 64, No. 4, pages 1326-1330, (1999).
A10	Ikegami, S., et al., "Asymmetric Epoxidation Of Homoallylic Alcohols Using Zirconium Tetrapropoxide, Dicyclohexyltartramide, And t-Butyl Hydroperoxide System", <u>CHEMISTRY LETTERS</u> , pages 83-84, (1987).
A11	Nugent, W.A., "Chiral Lewis Acid Catalysis. Enantioselective Addition Of Azide To Meso Epoxides", <u>J. AM.CHEM.SOC.</u> , Vol. 114, No. 7, pages 2768-2769, (1992).

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<b>FORM PTO-1449</b>  <b><u>INFORMATION DISCLOSURE</u></b> <b><u>CITATION</u></b>		Attorney Docket: 26772U		Inventor: KOHL et al.	
		Group Art Unit: Unknown		Examiner: Unknown	
		Serial Number: 10/536,891		Filing date: May 27, 2005	
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initial		Document Number	Issue Date/Pub. date	Name	Filing Date
	A12				
<b>FOREIGN PATENT DOCUMENTS</b>					
		Document Number	Date	Country	Translation
	A13	94/24867 A1	10 Nov. 1994	WO	N/A
	A14	94/25028 A1	10 Nov. 1994	WO	N/A
	A15	94/27988 A1	08 Dec. 1994	WO	N/A
	A16	96/02535 A1	01 Feb. 1996	WO	N/A
	A17	96/17076 A1	06 Jun. 1996	WO	N/A
	A18	96/17077 A1	06 Jun. 1996	WO	N/A
	A19	97/02261 A1	23 Jan. 1997	WO	N/A
	A20	99/47514 A1	23 Sep. 1999	WO	N/A
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>					
Examiner			Date Considered		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.					